

Some notes on terrorism

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One of the issues of this tense political season for Ukraine is the issue of fighting terrorism in the post-Soviet territory. On September 9, 2000, head of the Security Service of Ukraine Leonid Derkach publicly spoke about an assassination attempt planned by terrorists against one of the CIS heads of state who attended the CIS summit in Yalta at the end of August. According to the SBU head, the information about the planned assassination attempt was received by his agency from abroad. A few days later several suspects had been arrested: "four Chechens and several persons from the Near East", as Gen. Derkach put it (Ukraina Moloda, September 12, 2000). However, the target of the failed attempt has been publicly named yet, so observers were left to guess judging from domestic political situations in individual CIS states.

Another anti-terrorism effort took the format of a meeting of heads of CIS state security services in Kyiv in early September. The meeting was attended by delegations of eleven CIS states and resulted in signing of six agreements — including the one on mutual safeguarding of the former USSR's secrets — and three protocols. Also, the Security Service of Ukraine signed a bilateral cooperation agreement with their Kyrgyz colleagues and an agreement about exchange of information with their Belarussian counterparts.

Yet another step in the anti-terrorism cooperation in the CIS was a rather symptomatic — given its venue — session of the Council of CIS Ministers of the Interior, established on January 19, 1999 by the decision of the Council of the Heads of States of the CIS. The meeting of the CIS "ministers of force", aimed at fostering their anti-terrorist efforts took place on September 5-8 in Cholpon-Ata, Kyrgyzstan. According to Ukrainian Minister of the Interior Yuri Kravchenko, the meeting "went on under the sign of search for the most effective common solutions in fighting terrorism" (DINAU, September 6, 2000). Hence, Ukraine, as a member of the CIS, has acquired yet another link to the Commonwealth orbit.

One of specific steps made during the meeting was the Cooperation Agreement between CIS Minister of the Interior that envisaged sharing information about likely and planned terrorist attacks, taking adequate coordinated actions to terminate operation of terrorist groups, as well as organizing joint training and exercises of anti-terrorism units.

The increasingly active involvement of the CIS security services in anti-terrorism efforts stems logically from the proliferation of conflicts in the CIS, primarily Russia's war in Chechnya and a new "hot point" in the southern Kyrgyzstan, that have their own histories and diverse, primarily political, components. The first step to the recent developments in Kyrgyzstan (flavored, among other things, with some Uzbek influence) was made in August 1999, when armed groups from the territory of Tajikistan entered the Batken district at the south of the country. The emergence of this conflict point in Central Asia has been linked, first of all, to domestic political processes in the region's states — primarily the Uzbek official policy that has traditionally been manifested in liquidating of the opposition, which, in its turn, causes stronger confrontation that has become increasingly massive and violent.

In the light of these political processes in Central Asia, the region's powers seek to combine "terrorism fighting" with countering challenges to their authority they face domestically, and gaining some political dividends, according to Aaron Rhodes, Executive Director of the International Helsinki Federation for Human Rights.

Due to a variety of political, socio-economic and geographical reasons, Ukraine has so far managed to avoid escalation of societal tension to a major confrontation, and keep away (as far as it can) from the conflicts in other CIS states. However, that did not prevent the Ukrainian law-enforcement agencies from giving away, in March 1999, four citizens of Uzbekistan who lived in Kyiv at that time and were suspected of involvement in preparing an assassination attempt against president of Uzbekistan Islam Karimov on February 16, 1999. In this case, in addition to Ukraine's usual "multi-vector" foreign policy and hopes for developing cooperation with Uzbekistan as the "youngest" member of the GUUAM, there was an obvious economic framework. At that time the amount of trade between Ukraine and Uzbekistan was about US\$ million within the first six months of 1999. In 2000 the economic cooperation continued to expand. Recently, Ukrainian Prime Minister Victor Yushchenko announced that since January 2000 Uzbekistan supplied Ukraine with 3.107 thousand tons of cotton worth the total of US\$ 3.2 million, and Ukraine made reciprocal supply worth US\$ 3.87 million. The Prime Minister interpreted this positive trade balance as a promise for cooperation prospects. Particularly if there are few other willing to line up to buy Ukrainian goods, one may remark.

Specific economic context for Ukraine may be seen in the multilateral agreements of the CIS ministers of the interior Ukraine has joined. According to Minister Kravchenko, each of the projects requires substantial economic support.

Similarly, substantial funding is needed to enact the common anti-terrorism center of the CIS states that is being created notwithstanding (or rather, in addition to) the fact that law-enforcement and security agencies of the CIS countries cooperate broadly in the areas on a bilateral basis. The idea to counter terrorism jointly is not new. In January 1996, at the summit of the heads of states and heads of governments of the CIS, the parties reached an agreement to develop a concept of preventing armed conflicts and proliferation of terrorism on the territory of the CIS. "All participants of the Commonwealth are ready to unite and act jointly against terrorists", then Russian President Boris Yeltsin (UNIAN, January 19, 1996). However, little information has been available to the general public about any common actions and their results.

At the end of January 2000, CIS heads of states approved a decision to draft a major international program of countering international extremism and terrorism in all of its possible manifestations, and discussed the possibility of establishing a common CIS anti-terrorism center. On June 21, 2000, a formal resolution was approved at the Moscow summit of the heads of states. According to scarce pieces of information that made their way to the media, the Anti-Terrorism Center's headquarters are located in Moscow, its foundation is the Federal Security Service (FSB) of the Russian Federation, and it has 46-strong staff. At the end of June 2000, FSB Lieutenant General Boris Melnikov was appointed to lead the Anti-Terrorism Center. It was also agreed that the Center's 2000 budget would be limited to US\$ 3.3 million, and that the funds would be allocated "by means of cutting down a number of structures of the CIS Executive Committee" (Holos Ukrainy, June 22, 2000).

The process, apart from real actions that need to be done to counter terrorism, has an opposite side: such a formation may prove to be increasingly useful, in many possible ways, for individual countries' leaderships, including those who may be tempted to use it for physically fighting the domestic opposition and dissent. For instance, according to the Information Center for Human Rights in Central Asia, "the study of some demands by Uzbek security services in 1999-2000 for giving away former or present citizens of Uzbekistan who now stay on the Russian territory and are charged with anti-state activities, demonstrates that many of them have nothing to do with terrorism, nor with attempts to violently overthrow the constitutional order." However, some of the individuals were given away to Uzbekistan. Naturally, the same applies to citizens of other CIS states. For instance, will the Anti-Terrorism Center assist in giving away one of the former Azerbaijan leaders Ayaz Mutalibov, seen by Azerbaijan as a plotter and participant of an assassination attempt against Geidar Aliyev? "Mutalibov lives in Moscow. Also, what about giving away Georgadze, former boss of the Georgian state security service who has been accused in Georgia of organizing the assassination attempt against Eduard Shevardnadze? Georgadze lives in Russia," observers ask (Den, June 22, 2000).

As far as the decisions within the CIS member states' Program of fighting international terrorism and other manifestations of extremism for the period till 2003 and the formation of the Common CIS Anti-Terrorism Center are concerned, Ukraine signed the relevant documents about joining the common anti-terrorism activity "with reservations" (Uriadovyi Kurrier, June 22, 2000).

In this context of general and common post-Soviet anti-terrorism efforts one may logically ask what Ukrainian officials imply when using the term "terrorism". Leaving aside a variety of definitions "fighting against terrorism" used in the CIS by a variety of forces on a variety of occasions and for different reasons, let us see what the term means in Ukraine. A review of the Ukrainian legislation has shown the lack of a single legally described term defining this phenomenon. However, "terrorism" is mentioned in a number of Ukrainian laws, presidential decrees, governmental resolutions and various concepts, though the whole spectrum of documents that refer to the problem obviously lack consistency and systemic approach. Specifically, the law "On the Security Service of Ukraine" (March 25, 1992) outlines SBU's tasks as "preventing, disclosing, terminating and investigating crimes against peace and security of the humankind, terrorism, corruption and organized crime in the field of governance and economy, and other illegal activities." According to head of the SBU press service A. Sakhno, "for a few years, a department of fighting terrorism and protecting participants of criminal trials has existed [in Ukraine]. For the period of its operation, it has carried out more than 300 combat operations [aiming at] detention of particularly dangerous criminals and freeing hostages" (Argumenty i Fakty, No. 39, September 1999).

Terrorism is mentioned in one of the recent bills approved by the Ukrainian parliament, law "On Legal Regime of the Emergency State" (March 16, 2000): according to the law, "massive terrorist actions that are accompanied with death of people or ruination of particularly important life-support facilities" may be regarded as good reason for introducing the "state of emergency", a version of the martial law.

Therefore — if only theoretically — the lack of a proper legal definition of "terrorism" in Ukraine may

have rather complicated consequences and provoke dangerous scenarios that may substantially destabilize the situation in this state.

In fact, as long ago (by the standards of this country's recent history) as in February 1996 the parliament developed a draft bill on fighting terrorism. Then, one of its authors Mykhailo Ratushnyi, MP, remarked that terrorism was not a major problem for Ukraine, but that some of its signs could be observed, and argued that terrorism in Ukraine could be classed into three categories: criminal, political and subversive (initiated from abroad) (UNIAN, February 19, 2000). However, any information about the fate of the bill was lost in the mess of the law-making process. Meanwhile, notwithstanding the "blank spaces" in the legislation, Ukraine does fight terrorism and its import from other states — which it is bound to do given the estimated rate of illegal migration to Ukraine and the deep systemic crisis — but in many cases it appears that the "carriage" is being put "in front of the horse".

Here are some stages of institutionalization of the anti-terrorism efforts that have been announced publicly, documented and referred to by the media. On March 15, 1996, a meeting of heads of Ukrainian law-enforcement and state security agencies addressed the issue of fighting terrorism. At about the same time the Ukrainian leadership decided on the necessity to create a single anti-terrorism center in Ukraine in order to coordinate activities of special units of the Security Service (SBU) as well as units of other "ministries of force" (UNIAN, March 15, 1996). At the end of July 1996 the efforts were manifested by the decision of the National Security Council of Ukraine to draft documents for the establishment of the anti-terrorism center, and the SBU was given the task to draft the documents by September 15, 1996. The information was made public after the incident officially described as a failed assassination attempt against then prime minister of Ukraine Pavlo Lazarenko, although at a joint briefing of then Secretary of the National Security Council Volodymyr Horbulin, Minister of the Interior Yuri Kravchenko and first deputy head of the SBU Oleksandr Skybynetsky it was announced that the crime was of rather economic than political nature (Kievskie Vedomosti, July 18, 1996).

In July 1998 it was announced that President Kuchma had met senior officials of the SBU to discuss the issue of creation of the Anti-Terrorism Center (Fakty i Kommentarii, July 23, 1998). The Anti-Terrorism Center was finally established in December 1998. The 1999 state budget earmarked special funding for the Anti-Terrorism Center (UAH 11 million, the equivalent of US\$ 3,207 thousand). According to head of the SBU press service A. Sakhno, the Anti-Terrorism Center's tasks included "collection, generalization, analysis and evaluation of information about terrorist intentions and manifestations; development of provisions and programs of anti-terrorist activity, formation of specific plans for prevention of terrorist actions" (Argumenty i Fakty, No. 39, September 1999).

Besides the traditional aspects, there is another, clearly politicized interpretation of the issue.

References to "terrorism" are common for political rhetoric but usually — fortunately — have nothing to do with terrorism in the traditional sense. Claims of "terrorist attacks" or "terror" may be used to describe a broad spectrum of events, from shadow business score-settling to similar political relations. They may be linked to politically biased interpretation of their particular developments, and bring the sought-after political dividends. For instance, the capture of the premises of the Central Committee of the Communist Party of Ukraine on March 9, 2000, by an unknown group that referred to themselves as "Samostiyna Ukraina" ("Independent Ukraine") was condemned by Ukrainian communists as a "criminal terrorist action", as the communist leader Petro Symonenko put it when speaking in the parliament on the issue. Member of the Samostiyna Ukraina were charged with criminal offence, "capturing buildings by force", and "causing bodily damage" (articles 187-5 and 904 p. 2 of the Criminal Code of Ukraine, respectively). If found guilty, they could be sentenced to up to 5 years in prison or correction works for up to 2 years, or up to 2 years in prison or correction works for up to 3 years. The trial of the "terrorists" has not taken place yet.

Such examples of using the words "terrorism" and "terror" in a rather non-traditional context are not unique. For instance, a recent public statement of the Batkivshchyna faction in support of the Cabinet of Ministers claimed that "members of families and [persons] close to officials become objects of aggression and office-related terror, which cannot have any explanation in a civilized European community that Ukraine strives [to join]" (Holos Ukrainy, September 15, 2000). The claim refers primarily to the recent arrest of Oleksandr Tymoshenko, husband of the Batkivshchyna leader, Vice Prime Minister Yulia Tymoshenko. According to senior officials of the Office of Attorney General of Ukraine, Mr. Tymoshenko was arrested on charges related to his business activity.

Paradoxically, due to the lack of clear legal definition it is both easy and hard to differentiate between individual "terrorist" actions. Again, this obscurity opens the way for unpredictable and biased interpretations. The law-enforcement authorities were not inclined to regard the explosion in a residential building in Vinnytsya on September 1, 2000 as an act of terrorism. Minister of the Interior Yuri Kravchenko announced, for instance, that the crime in Vinnytsya resulted from "settling scores" between two criminal groups (Uriadovyi Kurrier, September 5, 2000). However, is there a guarantee

that a "terrorist" interpretation of some other event will not appeal to some political force and cause all possible implications and consequences described in the law on the state of emergency? This serious issue needs to be treated seriously and adequately both by the government and the society, while the lack of unequivocal definitions and actions, and particularly speculations on the society's natural rejection of terrorism as a method of achieving some ends may only be an impediment to countering the challenge.